

No. 22-15961

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

DONALD J. TRUMP, LINDA CUADROS, AMERICAN CONSERVATIVE UNION, RAFAEL
BARBOSA, DOMINICK LATELLA, WAYNE ALLYN ROOT, AND NAOMI WOLF,
Plaintiff-Appellant,

v.

TWITTER, INC. AND JACK DORSEY,
Defendants-Appellees.

On Appeal from the United States District Court
for the Northern District of California, No. 3:21-cv-0837-JD (Donato, J.)

**DECLARATION OF ARI HOLTZBLATT IN SUPPORT OF
DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO
FILE ANSWERING BRIEF**

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January 13, 2022

I, Ari Holtzblatt, hereby declare as follows:

1. I am a partner at Wilmer Cutler Pickering Hale and Dorr, duly licensed to practice in Washington, D.C. I am counsel for Defendants Twitter, Inc., and Jack Dorsey in this matter.

2. Defendants' answering brief is currently due February 8, 2023.

3. Defendants' answering brief was originally due September 29, 2022. Dkt. 1. Plaintiffs received a streamlined extension for their opening brief, making Defendants' brief due October 28, 2022. Dkt. 7. Plaintiffs then moved for an extension of time to file their opening brief until November 14, 2022, making Defendants' answering brief due December 14, 2022. Dkt. 17, 18, 24.

4. On appeal, Plaintiff Naomi Wolf retained separate counsel. Dkt. 15. Plaintiff Wolf filed her separate opening brief on November 14, 2022. Dkt. 35.

5. Plaintiffs American Conservative Union, Rafael Barbosa, Linda Cuadros, Dominick Latella, Wayne Allyn Root, and Donald J. Trump moved on November 14, 2022, for leave to file an overlength brief. Dkt. 33. The Court denied that motion, ordering Plaintiffs to file a conforming brief by December 9, 2022, and Defendants to file their answering brief by January 9, 2023. Dkt. 47. Defendants then obtained a streamlined extension until February 8, 2023. Dkt. 54.

6. Defendants now request a 35-day extension, up to and including March 15, 2023.

7. The requested extension is necessary due to time constraints caused by additional briefing and argument deadlines in other matters in which I and other attorneys working on this appeal are counsel, including:

- a. A reply brief due on February 10, 2023 in *Twitter v. Tamneh*, No. 21-1496 (U.S.);
- b. Oral argument (for which I am second chair) in *Twitter v. Tamneh*, No. 21-1496 (U.S.) on February 22, 2023;
- c. A motion to dismiss currently due on January 30, 2023 in *Ashton-Cirillo v. Twitter*, 3:23-CV-00086-LB (N.D. Cal.);
- d. A motion to dismiss currently due on February 10, 2023 in *Mercola v. YouTube, et. al.*, No. 3:22-cv-05567-LB (N.D. Cal.);
- e. Five reply briefs (including one in support of summary judgment) due on January 23, 2023 and oral argument (for which counsel is second-chair) on February 6, 2023 regarding cross-motions for summary judgment and seven other related motions in *Masimo Corp. v. Apple Inc.*, No. 20-cv-00048 (C.D. Cal.);
- f. a reply brief due no later than February 9, 2023 in *Khosla Ventures IV, L.P. v. Neutron Holdings, Inc.*, No. A165507 (Cal. Ct. App.); and

g. An opening brief due on February 21, 2023 in *Yuga Labs. Inc. v. Ryder Ripps*, No. 22-56199 (9th Cir.).

8. Additionally, I contracted COVID-19 in late December 2022, and was ill and impeded in working on the brief in this appeal in early January.

9. Defendants have worked diligently in preparing their answering brief. The brief will be filed on or before March 15, 2023.

10. Counsel for Plaintiffs and for the United States do not oppose the requested extension.

11. The court reporter is not in default with regard to any designated transcripts.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13 day of January, 2023, in Washington, D.C.

/s/ Ari Holtzblatt

ARI HOLTZBLATT

CERTIFICATE OF SERVICE

I hereby certify that on this 13 day of January, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system. Counsel for all parties to the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

/s/ Ari Holtzblatt

ARI HOLTZBLATT